

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
|--------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| <i>ex rel.</i> TEITELBAUM, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. |
| v. |) | 04-12450-MEL |
| |) | |
| ALASKA AIRLINES, INC., et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

**MOTION OF DEUTSCHE LUFTHANSA A.G.
TO DISMISS THE AMENDED COMPLAINT**

Defendant Deutsche Lufthansa A.G. (“Lufthansa”) hereby respectfully moves to dismiss the amended complaint in this action pursuant to Fed. R. Civ. P. 12(b)(6), for the reasons set forth in the Domestic Defendants’ memorandum in support of their motion to dismiss dated Feb. 13, 2006 (“Memo”).

As grounds for its motion, Lufthansa adopts and incorporates by reference all arguments made in the Domestic Defendants’ memorandum. In particular, dismissal is proper because: (1) the amended complaint fails under the False Claims Act’s “public disclosure” bar, 31 U.S.C. §§ 3730(e)(4)(A), (B), *see* Memo at 4-12; (2) the amended complaint fails to satisfy the particularity requirements of Fed. R. Civ. P. 9(b), *see* Memo at 12-15; (3) the relator lacks standing to bring common law claims on behalf of the United States, *see* Memo at 15-17; and (4) the amended complaint fails to state a claim for all of the other reasons discussed in Domestic Defendants’ memorandum at 17-25.

Accordingly, Lufthansa respectfully requests that this Court dismiss all of relator's claims with prejudice and grant such other and further relief as this Court deems just and proper.

Dated: February 17, 2006

Wilmer Cutler Pickering Hale and Dorr LLP
Attorneys for Deutsche Lufthansa A.G.

By: /s/ Adam Raviv
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LOCAL RULE 7.1(A)(2) CERTIFICATION

I certify that counsel for Deutsche Lufthansa A.G. attempted in good faith to resolve the issues presented in this Motion with counsel for the Plaintiff.

By: /s/ Adam Raviv
Adam Raviv
February 17, 2006

CERTIFICATE OF SERVICE

I, Adam Raviv, hereby certify that on February 17, 2006, I caused a true and accurate copy of the foregoing document to be served, via electronic mail, on all counsel of record.

/s/ Adam Raviv
Adam Raviv